

1 Daniel C. Girard (State Bar No. 114826)  
dcg@girardgibbs.com  
2 Jonathan K. Levine (State Bar No. 220289)  
jkl@girardgibbs.com  
3 Aaron M. Sheanin (State Bar No. 214472)  
ams@girardgibbs.com  
4 Christina H. C. Sharp (State Bar No. 245869)  
chc@girardgibbs.com  
5 **GIRARD GIBBS LLP**  
6 601 California Street, Suite 1400  
San Francisco, CA 94108  
Telephone: (415) 981-4800  
7 Facsimile: (415) 981-4846

8 Counsel for the Sitrin Group

9  
10 **UNITED STATES DISTRICT COURT**

11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 RICHARD S. BONDAR, as Trustee of the )  
13 Bondar Family Trust Dated 4/1/91, Individually )  
14 And On Behalf of All Others Similarly Situated, )  
Plaintiff, )

15 v. )

16 BANK OF AMERICA CORPORATION, BANC )  
17 OF AMERICA INVESTMENT SERVICES, )  
18 INC., and BANC OF AMERICA SECURITIES, )  
LLC, )

19 Defendants. )  
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Case No. CV-08-2599 (JSW)

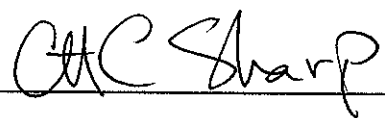
**STIPULATION AND ~~PROPOSED~~  
ORDER SETTING SCHEDULE**

1       Lead Plaintiffs the Charles T. Sitrin Network of Homes & Services, Inc. and the Charles T. Sitrin  
 2       Healthcare Center, Inc.; Alan Wofsy, Myrtle Street Flats LLC dba Sunrise Properties, and Emeric-  
 3       Goodman Associates LLC; and Dennis J. Pitocco (collectively the "Sitrin Group" or "Lead Plaintiffs"),  
 4       and Defendants Bank Of America Corporation, Banc Of America Investment Services, Inc., and Banc  
 5       Of America Securities, LLC (collectively "Defendants"), by and through their respective counsel,  
 6       hereby stipulate as follows:

- 7           1) Lead Plaintiffs' amended complaint shall be filed on or before January 22, 2009;
- 8           2) Defendants shall answer, move against or otherwise respond to the amended complaint  
 9           on or before March 13, 2009;
- 10          3) Should Defendants file a motion to dismiss the amended complaint, the briefing schedule  
 11          on such motion shall be as follows:
  - 12           a)     Lead Plaintiffs shall file any opposition to Defendants' motion to dismiss on or  
 13           before May 7, 2009; and
  - 14           b)     Defendants shall file any reply in support of the motion to dismiss on or before  
 15           May 28, 2009.

16  
 17       DATED: December 16, 2008

**GIRARD GIBBS LLP**

18  
 19       By: 

20       Daniel C. Girard  
 21       Jonathan K. Levine  
 22       Aaron M. Sheanin  
 23       Christina H.C. Sharp  
 24       601 California Street, 14<sup>th</sup> Floor  
 25       San Francisco, CA 94108  
 26       Telephone: (415) 981-4800  
 27       Facsimile: (415) 981-4846

28       *Lead Counsel for the Class*

1  
2 DATED: December 15, 2008

O'MELVENY & MYERS LLP

3  
4 By: 

5 Debra S. Belaga  
6 Aaron M. Rofkahr  
7 Embarcadero Center West  
8 275 Battery Street  
9 San Francisco, CA 94111-3305  
10 Telephone: (415) 984-8700  
11 Facsimile: (415) 984-8701

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*Counsel for Defendants*

~~[PROPOSED]~~ ORDER

Having reviewed the above stipulation, **IT IS HEREBY ORDERED** that:

- 1) Lead Plaintiffs' amended complaint shall be filed on or before January 22, 2009;
- 2) Defendants shall answer, move against or otherwise respond to the amended complaint on or before March 13, 2009;
- 3) Should Defendants file a motion to dismiss the amended complaint, the briefing schedule on such motion shall be as follows:
  - a) Lead Plaintiffs shall file any opposition to Defendants' motion to dismiss on or before May 7, 2009; and
  - b) Defendants shall file any reply in support of the motion to dismiss on or before May 28, 2009.

The hearing on any motion to dismiss shall be heard on June 19, 2008 at 9:00 a.m.

DATED: December 16, 2008

  
THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE